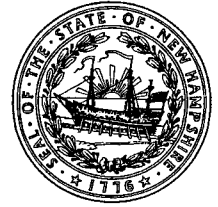




State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095

(603) 271-2147 FAX (603) 271-6588



**LETTER OF DEFICIENCY
WET 2004-073**

November 3, 2004

Jeffrey Elliott
104 Coventry Road
Benton, NH 03785

RE: DES Wetlands File #2004-02343, Coventry Road, Benton

Dear Mr. Elliott:

On October 25, 2004, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above-referenced property, more specifically referenced on Town of Benton Tax Map 1 as Lot 77 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-800.

During the inspection the following deficiencies were documented:

1. Fill measuring approximately 50' x 30' had been placed in a wetland on the east side of a secondary driveway on the Property. A dump truck and utility trailers were located on the fill at the time of the inspection;
2. A new stream channel measuring approximately 175 linear feet had been excavated for the purpose of re-routing a perennial stream;
3. Sediment migration and accumulation was observed within the drainage ditch downstream of the filled stream channel and within the perennial stream downstream of the excavated channel;
4. Fill measuring approximately 100' x 25' had been placed in and around the former stream channel; and
5. A pond had been excavated and subsequently filled between the residence and Coventry Road.

DES records indicate that a permit had not been obtained for the above-referenced work in violation of RSA 482-A:3. DES is currently conducting historical research to determine if additional wetlands on the Property have been impacted.

In response, you are requested to take the following actions:

1. Immediately stabilize exposed soils adjacent to the driveway and barn with seed and straw;
2. By November 19, 2004, retain a certified wetland scientist to delineate the Property in accordance with Section F of the *Corps of Engineers Wetlands Delineation Manual* (January 1987);
3. By December 31, 2004, submit to DES a restoration plan for review and approval. The restoration plan should include provisions for removing fill placed in the wetlands for lot development and for the removal of sedimentation in the stream channel. Please submit the following with the restoration plan:
 - a. A plan with dimensions, drawn to scale, indicating the footprint of the wetland prior to the addition of fill and the footprint of existing conditions indicating the areas that have been filled;
 - b. A plan for re-establishing the wetland to its original footprint;
 - c. A proposed means for erosion control;

- d. A proposed schedule and restoration sequence listing equipment and methods for accomplishing restoration;
 - e. A proposed planting plan for the re-establishment of wetlands vegetation;
 - f. A monitoring and reporting schedule, including an initial report to DES and at least one restoration progress report after a full growing season; and
 - g. Implement the restoration plan only after receiving written approval as conditioned by DES.
4. By December 31, 2004, submit an after-the-fact application to DES to retain the impacts to the excavated stream channel and the filled stream channel. Include with the application methods for stream bank stabilization and for stabilization of the filled areas; and
5. Carry out the restoration after approval and as conditioned by DES.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

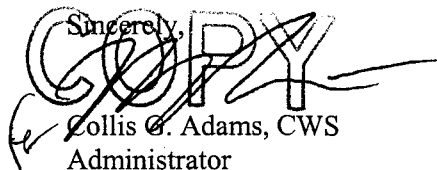
DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for the imposition of civil penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Linda Magoon
Department of Environmental Services Wetlands Bureau
29 Hazen Drive, PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, please contact Linda Magoon at (603) 271-4056 or by e-mail at lmagoon@des.state.nh.us.

Sincerely,

Collis G. Adams, CWS
Administrator
Wetlands Bureau

CERTIFIED MAIL 7004 1160 0005 9765 0933

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen R. Hamel, Administrator, DES Legal Unit ✓
Benton Conservation Commission
Benton Board of Selectmen
USACOE